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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,836

12/08/2005

Ivon Franciscus Helwegen

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06/30/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2627

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,836	<b>Applicant(s)</b> HELWEGEN ET AL.	
	<b>Examiner</b> Thang V. Tran	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Abstract***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki et al. (US 7,095,693) cited by Applicant.

Regarding claim 1 and 2, see Figs. 1-7 of Sasaki et al which describe an method/apparatus (see Fig. 1 and 2 as example) for reading an optical recording medium (3) on

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which information is recorded on at least one track (see Fig. 1) , the method/ apparatus being of the type comprising:

means (pick-up 6) for performing a step of producing/generating from a light source front, main and rear beams directed onto the recorded track (see beams SP0, SP1 and SP-0 in Fig. 1);

means (14) for performing a step of scanning (by moving head 6) with said main beam the recorded track;

means (see Fig. 2) for producing respective first, second and third signals in response to light reflected by the recorded track when scanned by the front, main and rear beams;

means (10) for generating position control signals from the first and third signals (see TE and FE signal generated by circuit 10 in Fig. 1);

means (servo circuit 5 in Fig 2) for performing a step of controlling the position of the main beam with respect to the recorded track in response to the position control signals;

means (9-10 in Fig. 2) for performing a step of reading the recorded information by means of a processing operator of the second signal (see circuit 10 in Fig. also);

the method/apparatus being further characterized in that it also comprises:

means (6, 7) for performing a step of scanning in advance, with the front beam, the portion of recorded track later scanned, after a predetermined delay, by the main beam (beams SP0, SP1 and SP-0 in Fig. 1);

means (see circuit 8-13 in Fig. 1) for performing a step of cancelling, on the basis of signals generated in response to the occurrence of possible defects detected by the front beam on the portion of recorded track, the effects of the variations of the first and third signals,

subsequent to variations of reflected light caused by the defects, by means (circuits 8-13) of a modification of the position control signals generated for controlling the position of the main beam.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al. (US 6,510,112) cited by Applicant.

Regarding claim 1 and 2, see Figs 1-17 of Sakamoto et al which describe an method/apparatus (see Fig. 1 or 15 as example) for reading an optical recording medium (1) on which information is recorded on at least one track (see Fig. 2) , the method/ apparatus being of the type comprising:

means (pick-up 2) for performing a step of producing/generating from a light source front, main and rear beams directed onto the recorded track (see column 6, lines 36-46);

means (carriage 3) for performing a step of scanning with said main beam the recorded track;

means (see Fig. 2) for producing respective first, second and third signals in response to light reflected by the recorded track when scanned by the front, main and rear beams;

means (55) for generating position control signals from the first and third signals;

means (9-13) for performing a step of controlling the position of the main beam with respect to the recorded track in response to the position control signals;

means (2, 5-8) for performing a step of reading the recorded information by means of a processing operator of the second signal;

the method/apparatus being further characterized in that it also comprises:

means (2, 3) for performing a step of scanning in advance, with the front beam, the portion of recorded track later scanned, after a predetermined delay, by the main beam (see the leading beam of the subsidiary beams shown in Fig. 2);

means (see block 9, 10, 14 in Fig. 1 or 15 and or see its details in Fig. 2) for performing a step of cancelling, on the basis of signals generated in response to the occurrence of possible defects detected by the front beam on the portion of recorded track, the effects of the variations (horn-shaped component) of the first and third signals, subsequent to variations of reflected light caused by the defects, by means (14, 20, 30) of a modification of the position control signals generated for controlling the position of the main beam.

#### *Cited References*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited reference related to an optical device having at least three light beams scanned on an optical recording medium, and where the leading beam of the at least three beams is used for detecting a presence of a defect in the optical recording medium.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thang V. Tran/  
Primary Examiner  
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